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FM AMEMBASSY KABUL
TO RUEHC/SECSTATE WASHDC 1452
INFO RUCNAFG/AFGHANISTAN COLLECTIVE

UNCLAS SECTION 01 OF 02 KABUL 002789

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E.O. 12958: N/A
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SUBJECT: ELECTION PROCESS UPDATE AND NEXT STEPS

¶1. (SBU) Summary. With 92.8 percent of polling stations counted, Hamid Karzai has 54.3 percent of the votes, Dr. Abdullah has 28.1 percent, Mr. Bashardost has 9.2 percent, and Ashraf Ghani has 2.7 percent. Another 2.15 percent of polling stations are under quarantine for fraud at the Independent Electoral Commission (IEC), and the remaining 5 percent - most of which come from southern Pashtun provinces - will be announced in some form along with female turnout numbers at the next IEC press conference -- which had been scheduled for Sept. 14 but is now postponed. The ECC continues to investigate its 700+ "Category A" complaints. Meanwhile, the IEC will embark on the ECC-ordered audit and recount of stations with more than 600 ballots or where one candidate got over 95 percent of votes. We expect this process may require review of up to 4000 polling stations, but we are cautiously optimistic that if the IEC and ECC pursue a joint implementation plan, both processes can be concluded by September 30, which would allow for a run-off to take place before the end of October (if one is required). It is now essential that adjudications take place in an efficient and transparent manner in order to salvage the credibility of these elections. Authorities will face pressure to balance fraud adjudication with Pashtun sensitivities about disenfranchisement. End Summary.

The Numbers, What's in, And What's Out

¶2. (SBU) At a press conference on Sept. 12, the IEC Chief Electoral Officer Dr. Najafi announced results of 22,861 polling stations, representing 92.8 percent of polling stations nationwide, which produced 5,545,149 valid votes. At this time, Hamid Karzai has 3,009,559 votes (54.3 percent), Dr. Abdullah earned 1,558,591 votes (28.1 percent), Ramazan Bashardost has 511,441 votes (9.2 percent), and Ashraf Ghani has 149,720 votes (2.7 percent). Another 600 polling stations (2.15 percent of all polling stations) are under quarantine for fraud at the Independent Electoral Commission (IEC). (See para 5 for more detail on these.)

¶3. (SBU) Najafi said the next IEC press conference would take place on Sept. 14 and at that time the IEC would reveal the status of the remaining 5 percent of polling stations. (On the morning of Sept. 14, the IEC announced the press conference would not take place.) Remaining polling stations -- which we believe to be about 1134 -- come predominantly from four southern Pashtun-majority provinces: Kandahar, Paktika, Khost, and Ghazni.

¶4. (SBU) The IEC says the number of polling stations open on election day was 24,621. However, we note this is still a preliminary number which may change, making all calculations subject to correction. Post is requesting the final list of polling station locations in a formal letter to the IEC. Dr. Najafi said he would also make available information related to turnout of male, female, and Kuchi (nomadic) voters at the next press conference. Quarantines, Audits, Recounts, Nullifications, and Investigations

¶5. (SBU) The IEC has held for some time 600 polling stations under quarantine (2.15 percent of all polling stations). The IEC

explained on Sept. 12 that it had used the following triggers to quarantine these tally sheets: stations with more than 1,000 votes, stations not opened from which results arrived, and stations where votes recorded are greater than number of ballot papers delivered. (Note: The explanation caused much confusion among donors, observers, and journalists, who suspected the IEC was trying to apply a soft standard to all audits and recounts.) The IEC said it has "sent" these quarantined tally sheets to the ECC, presumably to be nullified. This indicates the IEC interprets the electoral law to mean only the ECC may nullify ballots. The law says the IEC may "permanently withdraw from counting" ballots it has quarantined, but nothing about the IEC nullifying ballots.

¶6. (SBU) The ECC continues to investigate the "Category A" complaints, which were at 726 at one time. On Sept. 10 they announced their early investigations produced a small tranche of nullifications that included 29,014 presidential ballots from 83 polling stations in Ghazni, Paktika, and Kandahar. We assess that three of these stations (all in Ghazni) had been already included in the IEC's count. The ECC will continue to adjudicate the rest of the "Category A" complaints over the coming weeks. The week of Sept. 14, ECC investigators will travel to Paktika, Herat, Baghlan, Nangahar, Kapisa, and Parwan to conduct relevant investigations. Post has been assisting the ECC's trips through logistics, transport and funding.

¶7. (SBU) Under the Sept. 7 directive from the ECC, the IEC will conduct an audit and recount of polling stations with 600 or more ballots and those where one candidate received 95 percent of the vote and 100 or more votes. Dr. Najafi confirmed that IEC Commissioners had tasked the tally center to begin this process. On Sept. 13 the IEC and ECC worked out a plan that would begin audits in 13 provinces using three teams. If the audits show discrepancies

KABUL 00002789 002 OF 002

then recounts will begin using the international standard sampling process. The IEC/ECC are also drafting a joint statement that they planned to announce Sept. 14, although that date seems to have slipped. The IEC-led process may require review of up to 4000 polling stations, according to our latest calculations, although the IEC's Barakzai said it will be only 2516 stations.

¶8. (SBU) These two parallel processes -- the IEC-led audit/recount and the ECC-led investigations -- will require some time to complete, therefore the final results will be delayed. However, if the IEC/ECC joint plan is realized and implemented with determination, it could produce a conclusion by September 30. Results could be certified within a few days, and if no run-off is required, inauguration could take place 30 days later.

Run-Off Feasibility

¶9. (SBU) While it is still possible, it appears that odds are against a run-off or second round. We still don't know exactly how many polling stations will fall under the audit/recount, but the IEC/ECC would have to nullify about 475,000 of Karzai's votes (with other candidates losing none) from the current preliminary vote tally in order for him to drop below 50 percent, according to Election Team calculations. As for the uncounted ballots, the trend forecasts those to be either nullified or for Karzai to pick up votes at a higher rate than Abdullah, as he has done as the counting moved ahead. But nothing is certain at this stage.

¶10. (SBU) If a run-off is needed, the IEC, UNDP-ELECT, and ISAF have all expressed confidence in their ability to carry it out. However, there is no doubt logistics and security will require another monumental effort. It may not be exactly within 15 days of final certification, as the law requires, but it could happen in late October. A tally could take as little as one week because only two candidates are at issue. A challenge period is open for 72 hours after the announcement of results. More fraud is likely, but lessons have been learned and the IEC/ECC should be better able to deal with such fraud. If there is the will to do so, certification could take place within three weeks after the provisional announcement of run-off results. This would put us at the latest into mid-November with an inauguration by mid-December.

Next Steps

¶11. (SBU) The Sept. 12 IEC press conference shed light on the status of quarantined ballots and affirmed the IEC's intent to cooperate with the ECC in the audit/recount, and thus it can be seen as a small victory for the process. These developments are a marked contrast to one week ago, when the IEC appeared to be caving to political pressure to roll out votes, whether suspect or not.

¶12. (SBU) This election brought more polling stations, more observers, more women candidates, more media coverage and debates, and a high degree of cooperation among ANSF and ISAF than ever before. At the same time, the themes of these elections, as played out in the press, have been violence, intimidation, and fraud. Prior to elections, a majority of Afghans had perceived the elections would be fair. In order to now help rescue the election's credibility, at a minimum the institutions must: a) be demonstrably effective in their fraud investigations and adjudications, b) cooperate at an unprecedented level; and c) break new ground in explaining their work to the Afghan public. Firing IEC workers who participated in or committed fraud would help credibility as well. Still, authorities will have to contend with Pashtun sensitivities about perceived disenfranchisement, which will likely increase as more polling stations are nullified in the South, as well as the reality the process fell short in providing fair access for women voters.

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